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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,146	03/30/2004	Ulrich Bruening	09246-US	5429

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EXAMINER

TORRES, ALICIA M

ART UNIT PAPER NUMBER

3671

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,146

Applicant(s)

BRUENING ET AL.

Examiner

Alicia M Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 7, 10 and 12 is/are rejected.
7) ☒ Claim(s) 4-6, 8, 9 and 11 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Objections

1. Claim 1 is objected to because of the following informalities: “extending a direction” in line 5 should be changed to –extending in a direction—. Appropriate correction is required.

Claim 3 is objected to because of the following informalities: in line 4 “at least intake” should be changed to –at least four intake—. Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 7, 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wuebbels et al. ‘378, hereafter Wuebbels, in view of Mathews.

Wuebbels discloses in a machine for mowing stalk-like crop including: at least four intake and mowing arrangements (14) arranged in side-by-side relationship to each other, with an inner pair of said four intake and mowing arrangements being respectively located on opposite sides of a vertical plane extending a direction of operation of said machine, and with an outer pair of said four intake and mowing arrangements being respectively located outwardly of opposite sides of said inner pair of intake and mowing arrangements, said inner pair of intake and mowing arrangements being mounted for rotation in opposite directions about respective

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upright axes for cutting and conveying the harvested crop first transversely outwardly from said central plane and then rearwardly, a transverse conveying channel (unnumbered) provided at a rear side of said at least four intake and mowing arrangements through which harvested crop can be transported at least approximately transverse to the direction of operation, an intake channel (18) arranged along said vertical plane at a downstream end of the transverse conveying channel through which the harvested crop can be delivered to a chopper arrangement.

Wherein the inner pair of the at least four intake and mowing arrangements (14) is located in the vicinity of and ahead of the intake channel (18), as per claim 2.

However, Wuebbels fails to disclose at least one driven conveying arrangement arranged outside the transverse conveying channel, in order to remove a jam if necessary that was caused by harvested crop that emerged from the transverse conveying channel, the improvement comprising: said conveying arrangement being mounted for rotation about an approximately vertical axis, as per claim 1; and

the at least one conveying arrangement being arranged above one of the inner pair of the at least four of the intake and mowing arrangements, as per claim 2; and

Wherein at least two conveying arrangements are respectively arranged above the inner pair of the at least four intake and mowing arrangements, as per claim 3; and

Wherein the at least one conveying arrangement includes an upright conveyor drum, as per claim 7; and

Wherein the conveyor drum is equipped with drivers, as per claim 10; and

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Wherein the at least one conveying arrangement is coupled so as to be driven together with the one of the inner pair of the at least four intake and mowing arrangements, as per claim 12.

Mathews discloses a device including at least one driven conveying arrangement (52) arranged outside the transverse conveying channel, in order to remove a jam if necessary that was caused by harvested crop that emerged from the transverse conveying channel, the improvement comprising: said conveying arrangement (52) being mounted for rotation about an approximately vertical axis, as per claim 1; and

the at least one conveying arrangement (52) being arranged above one of the inner pair of the at least four of the intake and mowing arrangements (40), as per claim 2; and

Wherein at least two conveying arrangements (52) are respectively arranged above the inner pair of the at least four intake and mowing arrangements (40), as per claim 3; and

Wherein the at least one conveying arrangement (52) includes an upright conveyor drum (19), as per claim 7; and

Wherein the conveyor drum (19) is equipped with drivers (52), as per claim 10; and

Wherein the at least one conveying arrangement (52) is coupled so as to be driven together with the one of the inner pair of the at least four intake and mowing arrangements (40), as per claim 12.

Response to Arguments

4. Applicant's arguments with respect to claims 1-3, 7, 10 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

5. Claims 4-6, 8, 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

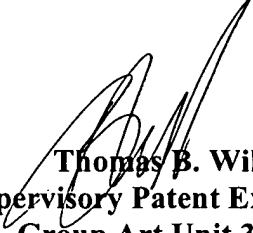
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.



Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
February 7, 2005